

Claim 128 (amended). Use of transgenic plants according to claim 74, for practice or cultivation systems that use less fertilizer.

Claim 129 (amended). The transgenic seeds or any vegetative reproductive structure attainable from a transgenic plant as defined in claim 74.

REMARKS

The amendments set out above and the following remarks are believed responsive to the points raised by the Examiner in the Office Action dated September 27, 2002. Entry of the above is respectfully requested.

Following the entry of this amendment, the claims indicated as allowable are pending: 1, 17, 27, 37, 47, 57, 67, 74, 80, 91, 93, 98-99, and 127-129 are pending. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

The following comments address the points raised by the Examiner in the order they are presented in the Official Action.

The only claims remaining are those that were indicated as allowable and free of the prior art. The subject matter from allowable dependent claims have been added to the independent claim from which they depend. For example, claim 1 has been amended to include the subject matter claimed in allowable claims 6 and 7; claim 74 has been amended to include the subject matter from allowable claim 79; and claim 93 has been amended to include the subject matter from allowable claims 118-121.

The remaining amendments to the claims are simply to correct the dependency to an allowable Independent claim.

Finally, allowable claims 18, 28, 38, 48, 58, 68, and 100 have been cancelled as being duplicative of a pending allowable claim.

Because all of the claims have been indicated as being free of the prior art and allowable, Applicants suggest that the rejections of the claims are now moot.

Accordingly, in view of the above amendments and remarks, it is submitted that this application is now ready for allowance. Early notice to this effect is solicited.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 02-4650. A duplicate copy of this form is enclosed.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at 202-331-8777 (a local call).

Respectfully submitted,

December 27, 2002

  
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William J. Bundren  
PTO Reg. No. 31,712

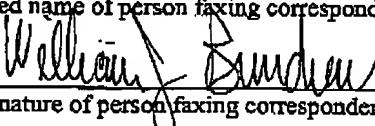
Cahn & Samuels, LLP  
Suite 200  
2000 P Street, NW  
Washington, DC 20036-6924

Telephone: 202-331-8777  
Facsimile: 202-331-3838

*Certificate of Mailing by facsimile (37 CFR 1.8): I hereby certify that this Response is being transmitted to The Commissioner of Patents and Trademarks, Washington, D.C. 20231-0001 on 27 December 2002.*

William J. Bundren

typed name of person faxing correspondence

  
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Signature of person faxing correspondence